

● PRINTER RUSH ●

(PTO ASSISTANCE)

Application : <u>10/054,374</u>	Examiner : <u>Zarneck</u>	GAU : <u>2891</u>
From: <u>MAS</u>	Location: <u>IDC</u> FMF FDC	Date: <u>7/12/05</u>
Tracking #: <u>06107336</u>		Week Date: <u>5/16/05</u>

DOC CODE	DOC DATE	MISCELLANEOUS
<input type="checkbox"/> 1449	_____	<input type="checkbox"/> Continuing Data
<input type="checkbox"/> IDS	_____	<input type="checkbox"/> Foreign Priority
<input type="checkbox"/> CLM	_____	<input type="checkbox"/> Document Legibility
<input type="checkbox"/> IIFW	_____	<input type="checkbox"/> Fees
<input type="checkbox"/> SRFW	_____	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> OATH	<u>1-22-02</u>	
<input type="checkbox"/> 312	_____	
<input type="checkbox"/> SPEC	_____	

[RUSH] MESSAGE: Declaration dated 1/22/02 listed
James R. Rau (deceased) but did not list the
Signature of his legal representative. please
provide

[XRUSH] RESPONSE: _____

INITIALS:

NOTE: This form will be included as part of the official USPTO record, with the Response document coded as XRUSH. Doc. # Honeywell No A1 07/19/05
 REV 10/04 Alison J. Baldwin
312 - 935 - 2369



McDonnell Boenhen Hulbert & Berghoff LLP

10/054,374

Fax transmittal

To ^{OLLIE} Molly Person Date July 20, 2005
Company USPTO - Patent Publications From Lisa Schoedel
Fax 703-308-6642 Direct 312 935 2362
Phone 703-305-0333 ext 140 Email schoedel@mbhb.com
Copy To C/M 522/27
Pages, 17
with cover

Re U.S. Patent Application Serial No. 10/054,374

Attached is a copy of the petition filed under 37 C.F.R. § 1.47(a). The petition was filed because the legal representative of Mr. Rau, the deceased inventor, refused to sign the declaration form.

300 South Wacker Drive 312 913 0001 phone
Chicago, Illinois 60606-6709 312 913 0002 fax
www.mbhb.com

This transmittal is strictly for delivery only to the person listed above. It may contain confidential or privileged information, the disclosure of which is prohibited.

Please contact us if all pages are not received. If you received this fax in error, please contact us to arrange for return of the document.

558-48-0694

Page 1

~~10/074~~
10/054 1374

Information Current Through:12/31/2001
Database Last Updated:01/19/2002
Updated Frequency:Monthly
Current Date:01/22/2002
Source:Social Security Administration Death Index

Name:JAMES E RAO

SSN:558-48-0694

State Where SSN Issued:CALIFORNIA

Date of Birth:08/03/1938

Date of Death:03/14/1998

Age at Death:59

Verification of Death:(P) Proof of Death Certificate
Observed

END OF DOCUMENT

10/054,374

**Westlaw Attached Printing Summary Report
for****THYMIAN,MARCUS 1616679 Tuesday, January 22, 2002 11:00:55 Central**

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Request Created Date/Time:	Tuesday, January 22, 2002 11:00:00 Central
Client Identifier:	522-00027-MJT
DataBase:	DEATH
Citation Text:	558-48-0694
Query Text:	LAST-NAME(RAU) & FIRST-NAME(JAMES)
Print Command:	Current document,Complete result
Lines:	17
Lines Charged:	17
Documents:	1
Documents Charged:	0
Images:	0
Images Charged:	0

10/054,374

Honeywell

Dennis C. Bremer
Attorney
Intellectual Property

Aerospace Electronic Systems
Honeywell
2600 Ridgway Parkway
Minneapolis, MN 55413
612 951-6145
612-951-6192 Fax
Dennis.Bremer@Honeywell.com

November 16, 2001

Chris Rau
3233 East Miraloma Avenue
Anaheim California 92806

Re: Honeywell Invention Disclosure No. A11-26110

Dear Chris:

Since our last teleconference, the other inventors have signed our standard assignment and declaration/power of attorney documents. A copy of those signed documents is enclosed.

At your earliest convenience, please have Mr. Rau's legal representative (executor, administrator, etc.) sign the documents where indicated.

If you have any questions, please feel free to call me.

Sincerely,



Dennis C. Bremer

Enclosures

Express Mail Lab EK934-04652US

10/054,374

Date _____, 2001

A. JAMES HUGHES

State of _____)

)ss.

County of _____)

On this _____ day of _____, 2001, before me personally appeared A. JAMES HUGHES, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Notary Public, _____ County

State of _____

My Commission Expires _____

Doc:Assign-J

Express Mail Label K934yo4652US

12/054,374

Date _____, 2001

GERALD J. SULLIVAN

State of _____)

)ss.

County of _____)

On this _____ day of _____, 2001, before me personally appeared **GERALD J. SULLIVAN**, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Notary Public, County

State of

My Commission Expires _____

Date _____, 2001

JAMES E. RAU (DECEASED)

State of _____)

)ss.

County of _____)

On this _____ day of _____, 2001, before me personally appeared **JAMES E. RAU (DECEASED)**, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Notary Public, County

State of

My Commission Expires _____

Date _____, 2001

LARRY R. ADKINS

State of _____)

)ss.

County of _____)

On this _____ day of _____, 2001, before me personally appeared **LARRY R. ADKINS**, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Notary Public, County

State of

My Commission Expires _____

Express Mail Label EK934964652US

10/054,374

JOINT
PATENT

FILE NO. A11-26110US

ASSIGNMENT

WHEREAS, GERALD J. SULLIVAN of NEWBURY PARK, State of CALIFORNIA, JAMES E. RAU (DECEASED) of ANAHEIM, State of CALIFORNIA, LARRY R. ADKINS of TUSTIN, State of CALIFORNIA and A. JAMES HUGHES of TUSTIN, State of CALIFORNIA have invented certain new and useful improvements in HIGH DENSITY 3-D INTEGRATED CIRCUIT PACKAGE for which an application is about to be made for Letters Patent of the United States, said application having been executed on the ____ day of ____, 2001, the ____ day of ____, 2001, the ____ day of ____, 2001, the ____ day of ____, 2001, and

Whereas, Honeywell International Inc., a corporation organized and existing under the laws of the State of Delaware, and having its principal offices at 101 Columbia Road, P.O. Box 2245, Morristown, NJ 07962-2245 U.S.A. is desirous of acquiring the entire right, title and interest in and to said invention, said application and in, to and under any and all Letters Patent to be obtained therefor;

Now, therefore, for good and valuable consideration to us paid by the said Honeywell International Inc., the receipt of which is hereby acknowledged, we have sold, assigned and transferred, and by these presents do hereby sell, assign and transfer unto the said Honeywell International Inc., its successors and assigns, our entire right, title and interest in and to said invention, said application and the Letters Patent, both foreign and domestic, that may or shall issue, including all of our rights under any and all international conventions, treaties and/or agreements concerning patents to which the United States is a party, and we do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the above mentioned assignee in accordance herewith.

We further authorize said assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent, in its own name if desired, in any and all foreign countries, and additionally to claim the filing date of said United States application and/or otherwise take advantage of the provisions of any international convention, treaty and/or agreement.

We do hereby covenant and agree with the said assignee, its successors and assigns, that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we or our executors or administrators will at any time upon request, without further or additional consideration, but at the expense of the said assignee, its successors and assigns, execute such additional writings and do such additional acts as said assignee, its successors and assigns, may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, reissued or extended Letters Patent of the United States, or any of and all foreign countries on said invention, and in enforcing any rights, occurring as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents.

10/05/04 374

patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

10/054,374

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole
or First Inventor Gerald J. Sullivan
Inventor's Signature _____ Date _____, 2001
Residence Newbury Park, State of Minnesota
Citizenship USA
Post Office Address 3879 Calle Loma Vis
Newbury Park, CA 91320

Full Name of Sole
or First Inventor James R. Rau (Deceased)
Inventor's Signature _____ Date _____, 2001
Residence Anaheim, State of California
Citizenship U.S.A.
Post Office Address 3233 Miraloma Ave.
Anaheim, CA 92806

Full Name of Sole
or First Inventor Larry R. Adkins
Inventor's Signature _____ Date _____, 2001
Residence Tustin, State of California
Citizenship U.S.A.
Post Office Address 17652 Wellington Ave.
Tustin, CA 92780-2355

Full Name of Sole
or First Inventor A. James Hughes
Inventor's Signature _____ Date _____, 2001
Residence Tustin, State of California
Citizenship U.S.A.
Post Office Address 1752 Lance Drive
Tustin, CA 92780-5233

*Title 37, Code of Federal Regulations §1.56:

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to

LO/054374

In accordance with Honeywell's current patent award policy, I am authorized to distribute a \$1500 award (before taxes) to Mr. Rau's estate upon completion of all necessary paperwork. This award will be processed as soon as these required documents are completed and the application is filed.

If you should have any questions concerning this issue, please do not hesitate to call. Once again, I sympathize with your loss, and I appreciate your time on this matter.

Sincerely,



Kris T. Fredrick, Attorney

Honeywell

Aerospace Electronic Systems
Honeywell
Sensor and Guidance Products
2600 Ridgway Parkway
Minneapolis, MN 55413
612 951-1000

10/0541324

September 13, 2001

Chris Rau
3233 East Miraloma Avenue
Anaheim, CA 92806

Dear Mr Rau:

Thank you for taking the time to speak with me today regarding the assignment issues in Honeywell's Patent Application A11-26110 titled "High Density 3-D Integrated Circuit Package." I want to reiterate our condolences on the death of James Rau.

As I mentioned on the phone, the patent application is ready for filing, and I am attempting to obtain all necessary paperwork to complete the filing process. Attached to this letter are our standard assignment and declaration/power of attorney documents which need to be signed by the executor or administrator of the estate.

To explain further, 37 C.F.R. 1.42 states that in the case of the death of an inventor, the legal representative (executor, administrator, etc.) of the deceased inventor, or one who believes they will be appointed legal representative, may make the necessary oath and declaration. Proof of the authority as legal representative may be filed up until the time the patent is allowed to issue (about two years from now). The paperwork may also be signed by the heirs if there was no will or no executor was appointed.

Proof of the authority can come from a certificate of the clerk of a competent court or the register of wills that his or her appointment is still in full force and effect. Alternatively, in the case of assignment by the heirs, a certificate from the court that they are all the heirs can be submitted provided it states that the estate was under the sum required by state law for the appointment of an administrator. The certificate must be signed by an officer and authenticated by the seal of the court where it was issued.

This application is currently owned by Honeywell International Inc. pursuant to an agreement between Honeywell and Boeing dated April 13, 1999. The filing of the attached paperwork in this application provides evidence to the U.S. Patent and Trademark Office of this ownership.

Honeywell

Aerospace Electronic Systems
Honeywell
Sensor and Guidance Products
2600 Ridgway Parkway
Minneapolis, MN 55413
612 951-1000

10/054,374

August 22, 2001

3233 Miraloma Ave.
Anaheim, CA 92806
ATTN: J. E. Rau Estate

Dear Sir/Madam:

I am with the Honeywell Legal Department in Minneapolis, MN. We have recently prepared a patent application for filing with the United States Patent Office.

Mr. James E. Rau is a co-inventor for this patent application. In order to file the patent application with the Patent Office it requires the signature of all inventors involved.

It is my understanding that Mr. Rau has sadly passed away. I am trying to locate the executor of his estate. This person would be able to sign the papers on behalf of Mr. Rau.

Please let me know if you can be of assistance in this matter.

Sincerely,

Karen Houle

Karen Houle
Legal Secretary to
Kris T. Fredrick, Attorney

10/054,374

EXHIBIT A

Express Mail Label EK934964652US

Date Mailed _____

10/054,374
PATENT
A11-26110US**DECLARATION**

I, Dennis C. Bremer, declare as follows:

1. I am an attorney for Honeywell International Inc. I have personal knowledge of the following facts, and if called to testify, I would and could testify competently to the matters set forth herein.
2. James E. Rau is a named joint inventor for the application entitled "High Density 3-D Integrated Circuit Package." James E. Rau is deceased.
3. Chris Rau is the son of James E. Rau. The last known address for Chris Rau is 3233 East Miraloma Avenue, Anaheim, California 92806.
4. Honeywell International Inc. contacted Chris Rau more than three times to have James E. Rau's legal representative sign the oath or declaration required to file the application under 37 C.F.R. §1.63. The last request to Chris Rau was made in a letter dated November 16, 2001. A copy of three letters requesting signature are attached hereto as Exhibit A.
5. Honeywell International Inc. has not received the signed oath or declaration from James E. Rau's legal representative.

Pursuant to 37 C.F.R. §1.47(a), I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on the 18th day of January 2002 in Minneapolis, Minnesota.



DENNIS C. BREMER

10/0541324

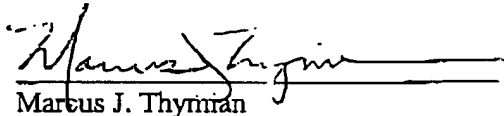
Express Mail Label No. EK934964652US Deposited January 21, 2002

Respectfully submitted,

Honeywell International Inc.

January 22, 2002

By



Marcus J. Thyman

Reg. No. 43,954

McDonnell Boehnen Hulbert & Berghoff

300 South Wacker Drive, 32nd floor

Chicago, IL 60606

Telephone: (312) 913-0001

Facsimile: (312) 913-0002

- Enclosures:
- (1) Declaration of Dennis C. Bremer, and accompanying Exhibit A
 - (2) Social Security Administration Death Index record

Express Mail Label No. EK934964652US Deposited January 22, 2002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. A11-26110US)

In re Application of:)	
)	
Sullivan et al.)	
)	Group Art Unit: TBA
Serial No.: TBA)	
)	Examiner: TBA
Filed: January 22, 2002)	
)	
For: HIGH DENSITY 3-D INTEGRATED)	
CIRCUIT PACKAGE)	

Commissioner for Patents
 Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.47(a)

Sir:

Because one of the inventors (James E. Rau) for the present application is deceased, and because attempts to secure the signature of the executor of the deceased's estate were not successful after diligent effort, Applicant submits this Petition Under 37 C.F.R. § 1.47(a) to make application on behalf of the deceased inventor.

As proof of diligence, Applicants submit the accompanying Declaration of Dennis C. Bremer, including its Exhibit A setting forth attempts to obtain the signature of the executor of the deceased's estate. Several attempts were made to contact the deceased's son, Chris Rau.

Chris Rau's last known address is 3233 East Miraloma Avenue, Anaheim, California 92806. James E. Rau's last known address is unknown, but is believed to be in California. A record from the Social Security Administration Death Index is attached for a James E. Rau having a social security number issued in California. While Applicants have been unable to confirm that this is the same "James E. Rau" as the named inventor in this case, the date of death falls within a time frame believed to be accurate.

The required petition fee of \$130.00 under 37 C.F.R. § 1.17(h) is enclosed herewith.